

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONALD MACK BENNETT,

Plaintiff,

- against -

**EDITH ONUA, EDWIN ODURO, and
JUNE YAZZO LIASON,**

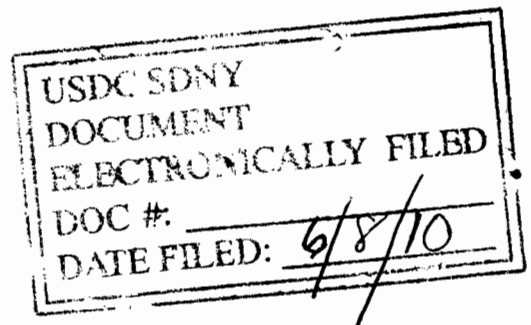
Defendants.

X

X

OPINION AND ORDER

09 Civ. 7227 (SAS)



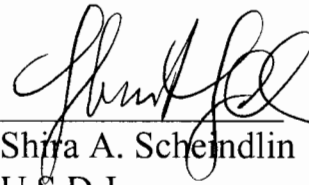
SHIRA A. SCHEINDLIN, U.S.D.J.:

This Court granted defendants' motion to dismiss plaintiff's section 1983 action due to his failure to exhaust the administrative remedies required by the Prison Litigation Reform Act. *See Bennett v. Onua*, No. 09 Civ. 7227, 2010 WL 2159199, at *1 (S.D.N.Y. May 26, 2010). Plaintiff has since submitted a motion for reconsideration on the ground that defendants' attorney did not retrieve plaintiff's medical records, as she was twice ordered to do. *See* 5/29/10 Reply Affirmation in Support of Motion ("Plaintiff seeks reconsideration because the County Attorney has not as she was ordered twice to retrieve [sic] my medical records from Sound Shore Medical Center.").

On May 17, 2010, this Court issued an Order stating that:

“Defendants have filed a motion for judgment on the pleadings, which is resolvable without reference to discovery.” Accordingly, defendants’ failure to produce medical records is irrelevant to the dismissal of his section 1983 action. Plaintiff’s motion for reconsideration is denied. The Clerk of the Court is directed to close this motion (Document # 28).

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 8, 2010

- Appearances -

Plaintiff (pro se):

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For Defendants:

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